



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 27614

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Our file: 33472/1
Applicant: JOHNSON, Jack J. et al.
Serial No.: 10/062,798
Filing Date: January 31, 2002
Title: BIDDING FOR ENERGY SUPPLY

Sir:

Enclosed for filing in the United States Patent and Trademark Office are the following:

1. Petition To Accept Unintentionally Delayed Domestic Priority Claim Under 35 U.S.C. §§ 120 And/Or 119(e) (5 pages);
2. Petition Exhibit A - Amendment (4 pages);
3. Petition Exhibit B - Statement Of Unintentional Delay with 3.73(b) Statement (4 pages);
4. Petition Exhibit C - Copies of (i) Application Transmittal Form, (ii) Declaration Form, (iii) First Page of Original Specification, and (iv) Filing Receipt (7 pages);
5. Transmittal (1 page) (in duplicate); and
6. Return postcard.

The Commissioner is authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 503571. A duplicate copy of this letter is enclosed for such purposes.

Respectfully Submitted,

McCARTER & ENGLISH, LLP

By: Steven E. Halpern
Reg. No. 51,769
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
Tel: (973) 848-8623
Fax: (973) 297-3762

Date: July 6, 2007

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage prepaid, to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 6, 2007.

By:
Diane M. Bodzioch



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE OFFICE OF PETITIONS

In re patent application of
JOHNSON, Jack J. et al.

Serial No. 10/062,798

Filed: January 31, 2002

For: BIDDING FOR
ENERGY SUPPLY

Group Art Unit: 3693

Examiner: WEISBERGER, Richard C.

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on July 6, 2007

(Date of Deposit)

Deane M. Bodzorch July 6, 2007
(Signature) (Date)

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

07/11/2007 CNEGA1 00000001 503571 10062798
01 FC:1454 1370.00 DA

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED
DOMESTIC PRIORITY CLAIM UNDER 35 U.S.C. §§ 120 AND/OR 119(e)**

Dear Sir:

Applicants respectfully petition for the entry in the above-identified application of a domestic priority claim under 35 U.S.C. § 120 and/or 35 U.S.C. § 119(e) for U.S. Patent Application No. 10/062,798 (the "Present Application"). For at least the reasons discussed below, Applicants respectfully request that this Petition be granted.

The Present Application is a continuation of App. No. 09/542,451 filed April 4, 2000 (now U.S. Patent No. 6,598,029 issued July 22, 2003), which is a continuation-in-part of App. No. 09/023,968 filed February 13, 1998 (now U.S. Patent

No. 6,047,274 issued April 4, 2000), which claims the benefit under 35 U.S.C. § 119(e) of Provisional App. No. 60/039,041 filed February 24, 1997 and Provisional App. No. 60/064,421 filed October 30, 1997.

The Present Application was filed on January 31, 2002. The first sentence of the specification identified three of the above-referenced prior applications (App. No. 09/023,968 and Provisional App. Nos. 60/039,041 and 60/064,421), but omitted a reference to App. No. 09/542,451. However, Applicants did refer to App. No. 09/542,451 in both the Application Transmittal Form and the Declaration Form accompanying the specification as part of the January 31, 2002 filing package for the Present Application. Copies of both forms and the first page of the specification as filed on January 31, 2002, are included in attached Exhibit C for your reference.

The Filing Receipt for the Present Application listed App. No. 09/542,451 and the two above-referenced provisional applications, but omitted App. No. 09/023,968 (though, as stated above, App. No. 09/023,968 was included in the first sentence of the specification as originally filed on January 31, 2002). A copy of the Filing Receipt, mailed on April 3, 2002, is also included in attached Exhibit C for your reference.

On September 18, 2002, Applicants filed a first preliminary amendment revising the first sentence of the specification of the Present Application to name all four prior applications (the two provisional and the two non-provisional applications referred to above). The Present Application has been published (and twice re-published), the most recent publication being U.S. Pat. Pub. No. 2004/0015428 published January 22, 2004, which includes a priority benefit claim in the first sentence of the specification that appears on its face to be properly recited.

To clear up any possible confusion and to ensure satisfaction of the requirements of 37 C.F.R. § 1.78, Applicants file this Petition to replace the priority benefit claim now in the Present Application with the following:

The present application is a continuation of U.S. App. No. 09/542,451 filed April 4, 2000 (now U.S. Patent No. 6,598,029 issued July 22, 2003), which is a continuation-in-part of U.S. App. No. 09/023,968 filed February 13, 1998 (now U.S. Patent No. 6,047,274 issued April 4, 2000), which claims the benefit of U.S. Provisional App. No. 60/039,041 filed February 24, 1997 and U.S. Provisional App. No. 60/064,421 filed October 30, 1997.

Applicants have incorporated this replacement priority benefit claim into an appropriate Amendment to the Application Specification (Exhibit A to this Petition).

Applicants believe that this Petition is properly considered under § 1.78(a)(3). However, to the extent that entry, consideration, and/or grant of a petition for complete relief under § 1.78 requires additional and/or alternative petition under § 1.78(a)(6), Applicants respectfully request that this Petition be considered as including a petition therefor.

As required by 37 CFR § 1.78(a)(3)(i) (and 37 CFR § 1.78(a)(6)(i) to any extent applicable), a petition to accept an unintentionally delayed claim must be accompanied by the required reference to the prior-filed application. Accordingly, Applicants have included the above-referenced replacement priority benefit claim in an Amendment to the Application Specification (Exhibit A to this Petition) to confirm proper recitation of the priority benefit claim in the Present Application.

As required by 37 CFR § 1.78(a)(3)(ii) (and 37 CFR § 1.78(a)(6)(ii) to any extent applicable), the petition must be accompanied by the surcharge set forth in § 1.17(t). Accordingly, the undersigned authorizes the charge to Deposit Account No.

503571 of any and all fees associated with the Petition, including any and all surcharge fee(s) under 37 C.F.R. § 1.17(t).

In accordance with the requirements of 37 CFR §1.78(a)(3)(iii) (and 37 CFR §1.78(a)(6)(iii) to the extent applicable), the petition must be accompanied by a statement that the entire delay between the date the claim was due and the date the claim was filed was unintentional. Accordingly, included as Exhibit B to this Petition is a Statement of Unintentional Delay executed by the assignee of record and both of the two co-inventors. With respect to the assignee, Exhibit B further includes a statement under 37 CFR Section 3.73(b).

Having complied with the requirements of 37 CFR § 1.78(a)(3) (and 37 CFR § 1.78(a)(6) to the extent applicable), Applicants respectfully request that this Petition be granted and that a Corrected Filing Receipt be issued.

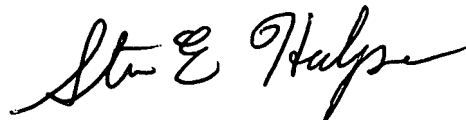
As indicated above, the Commissioner is hereby authorized to charge Deposit Account No. 503571 for the surcharge(s) set forth in 37 CFR §1.17(t). If any additional fees are due as a result of the submittal of this Petition, the Commissioner is authorized to charge them to Deposit Account No. 503571.

Applicants note that an Office Action was mailed in the Present Application on April 19, 2007, which has a shortened one-month statutory time for response (May 19, 2007), and for which no response has been filed as of the date this Petition is being filed. To any extent that the entry, consideration, and/or grant of this Petition requires an extension of time for such response, Applicants respectfully request that this Petition be considered to include a petition for any such required extension of

time and further include a charge authorization of any and all fees therefor to Deposit Account 503571.

Respectfully Submitted,

McCARTER & ENGLISH, LLP

A handwritten signature in black ink, appearing to read "Steven E. Halpern", written in a cursive style.

Dated: July 6, 2007

By: Steven E. Halpern
Reg. No. 51,769

McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
(973) 622-4444, Ext. 2646

Appln. No. 10/062,798
Attorney Docket No. 33472/1
Petition Filed on July 6, 2007



EXHIBIT A

Amendment Accompanying Petition to Accept An Unintentionally Delayed Priority Claim

Appln. No. 10/062,798
Attorney Docket No. 33472/1
Petition Filed on July 6, 2007



EXHIBIT B

Statement of Unintentional Delay (with 3.73(b) Statement) Accompanying Petition to Accept An Unintentionally Delayed Priority Claim

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE OFFICE OF PETITIONS



In re patent application of
JOHNSON, Jack J. et al.

Serial No. 10/062,798

Filed: January 31, 2002

For: BIDDING FOR
ENERGY SUPPLY

Group Art Unit: 3693

Examiner: WEISBERGER, Richard C.

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addressed to Mail Stop Petition, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 6, 2007
(Date of Deposit)
Deanne M. Borczyk 7/6/07
(Signature) (Date)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF UNINTENTIONAL DELAY
ACCOMPANYING PETITION TO ACCEPT UNINTENTIONALLY DELAYED
DOMESTIC PRIORITY CLAIM UNDER 35 U.S.C. §§ 120 AND/OR 119(e)

Sir:

This Statement of Unintentional Delay is filed with the Office of Petitions as Exhibit B to a Petition to Accept Unintentionally Delayed Domestic Priority Claim and in connection with the specific reference to a claim of priority set forth in the Amendment to the Specification being filed as Exhibit A to such Petition.

App. No.: 10/062,798

Statement Accompanying Petition to Accept Unintentionally Delayed Priority Claim

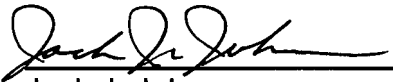
In accordance with the requirements of 37 CFR § 1.78(a)(3)(iii), as well as 37 CFR § 1.78(a)(6)(iii) to the extent applicable, Applicants respectfully submit the following statement(s) for the record:

The entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

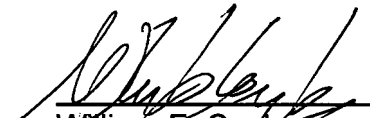
Applicants respectfully request entry, consideration and grant of the Petition to Accept the Unintentionally Delayed Priority Claim. Applicants invite the Office of Petitions to contact the attorney of record with any questions or comments. It is noted that a Statement Under 37 CFR 3.73(b) has been included as a part of this Exhibit B (Statement of Unintentional Delay).

Respectfully submitted,

FOR THE TWO CO-INVENTORS:

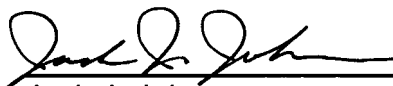


Jack J. Johnson Date 6/27/07
Co-Inventor

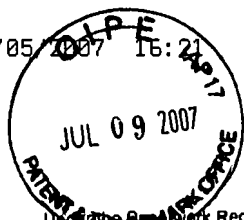


William F. Coyle Date 6/27/07
Co-Inventor

FOR THE SOLE ASSIGNEE OF RECORD:



Jack J. Johnson Date 6/27/07
President
Geophonic Networks, Inc.
Assignee of Record



PTO/SB/98 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Geophonic Networks, Inc.

Application No./Patent No.: 10/062,798

Filed/Issue Date: January 31, 2002

Entitled: Bidding for Energy Supply

Geophonic Networks, Inc.
(Name of Assignee), a corporation
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012572, Frame 0328, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Jack J. Johnson

Printed or Typed Name

President

Title

Date

7-05-07
973-410-1500

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appln. No. 10/062,798
Attorney Docket No. 33472/1
Petition Filed on July 6, 2007

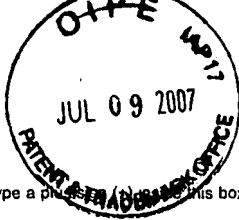


EXHIBIT C

**Copies of (i) Application Transmittal Form,
(ii) Declaration Form, (iii) First Page of Original
Specification, and (iv) Filing Receipt**

01/31/02

J685 U.S. PTO



02-05-02

A

Please type a phrase in this box →

PTO/SB/05 (03-01)

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

33472/1

First Inventor

Jack Johnson

Title

Bidding For Energy Supply

Express Mail Label No.

EL 915767439 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **68**]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **16**]
5. Oath or Declaration [Total Pages **3**]
a. ☒ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)of prior application No. **09,542,451**

Prior application information

Examiner

D. Charles

Group Art Unit

2161

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label

or

☐ Correspondence address below

Name

27614

PATENT & TRADEMARK OFFICE

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Allen N. Friedman

Registration No. (Attorney/Agent)

25,973

Signature

Date

01/31/02

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PTO/SB/01 (12-97)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365 (c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/542,451	04/04/2000	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent

And Trademark Office connection therewith: ☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below:

Place Customer
Number Bar code
Label here

Name	Registration Number	Name	Registration Number
Allen N. Friedman	25,973		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number
or Bar Code Label

OR ☐ Correspondence address below



27614

PATENT TRADEMARK OFFICE

Name					
Address					
Address					
City				ZIP	
Country		Telephone		Fax	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned Inventor

Given Name (first and middle (if any))		Family Name or Surname					
Jack J.		Johnson					
Inventor's Signature	<i>Jack J. Johnson</i>				Date	1/31/02	
Residence: City	Summit	State	NJ	Country	USA	Citizenship	USA
Post Office Address	60 Blackburn Place						
Post Office Address							
City	Summit	State	NJ	ZIP	07901	Country	USA

☒ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Please type a plus sign (+) inside this box



PTO/SB/02A (3-97))

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

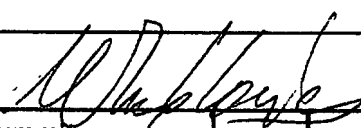
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DECLARATION

ADDITIONAL INVENTOR(S)

Supplemental Sheet

Page 3 of 3

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned Inventor					
Given Name (first and middle, [if any])				Family Name or Surname			
William F.				Coyle			
Inventor's Signature						Date	1/31/02
Residence: City	Summit	State	NJ	Country	USA	Citizenship	USA
Post Office Address	22 Valley View Avenue						
Post Office Address							
City	Summit	State	NJ	Zip	07901	Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned Inventor					
Given Name (first and middle, [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		Zip		Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned Inventor					
Given Name (first and middle, [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		Zip		Country	

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Docket #33472/1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

TITLE: BIDDING FOR ENERGY SUPPLY

INVENTORS: Jack J. Johnson, Summit, NJ

William F. Coyle, Summit, NJ

This Application claims the benefit of the priority of Provisional Applications Serial # 60/039,041 filed February 24, 1997 and Serial # 60/064,421, filed October 30, 1997 and co-pending Application Serial # 09/023,968, filed February 13, 1998.

BACKGROUND OF THE INVENTION

1. Field of the Invention

The invention is in the field of provision of energy supply, such as electric power and natural gas.

2. Description of the Background Art

The electric power and natural gas industries will experience fundamental changes over the next few years as the results of continuing deregulation take hold. One of those results is to give end users a choice of energy providers. Until now, substantially all end users purchased the electric power or natural gas they needed from the local electric or gas utility serving their geographic area. Electric utilities have generally operated as vertically integrated local monopolies, producing or purchasing (on a wholesale basis), the quantities of electric power they



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/062,798	01/31/2002	2161	787	33472/1	16	43	8

CONFIRMATION NO. 3434

27614
ALLEN N. FRIEDMAN, ESQ.
C/O MCCARTER & ENGLISH, LLP
FOUR GATEWAY CENTER
100 MULBERRY STREET
NEWARK, NJ 07102

FILING RECEIPT



OC000000007777216

Date Mailed: 04/03/2002

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Foreign Applications

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** SMALL ENTITY **

Title

Bidding for energy supply

Preliminary Class
705

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